IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16/11/2004

CORAM

THE HONOURABLE MR.JUSTICE V.KANAGARAJ

CRL.O.P.No. 34785 OF 2004

R.Britto Anand alias Bharat Anand Petitioner

-vs-

State by
The Inspector of Police,
V-5, Police Station,
Thirumangalam
Anna Nagar,
Chennai-600 101
Crime No(Not known) of 2004 Respondent

Petition filed under Section 482 of Cr.P.C praying for as stated
below.

For Petitioner : Mr.S.J.Jagadev

For Respondent : Mr.A.N.Thambidurai
Government Advocate
(Criminal Side)

:ORDER

The above Criminal Original Petition has been filed on the
part of the petitioners, praying to direct the respondent to register the
criminal case against the said accused persons namely Kannan, Sridhar, Viji
and two others under Section 307 I.P.C. and further to include the
petitioner's name as one of the victims of the criminal acts committed by the
said accused and to take further action according to law.

2. Heard both.

3. On the part of the learned Government Advocate on the
criminal side, he would come forward and submit that a case has been already
registered originally under Section 341, 323 IPC and subsequently it was
altered into Sections 342, 323 a

4. In consideration of the facts pleaded and on perusing the
materials placed on record and upon hearing the learned counsel for both, this

Court is of the view that since convincing reasons are assigned on the part of the learned Government Advocate on the criminal Side to the effect that after registering the case under the proper provisions of law, the only direction that needs to be issued in the context of the above criminal original petition is to recognise the petitioner also as co-complainant, that is, taking the statement of the petitioner and examining him as a witness to the occurrence which is only feasible in a already registered case and therefore, such a direction is issued to the respondent to take stock of the case of the complainant also during the course of investigation and since the matter is under investigation, and with such direction, the above criminal original petition is ordered.

In result,

(i) subject to the above direction, this criminal original petition is disposed of.

No costs.

Index :Yes

Internet :Yes

kvsg

To

1.The Inspector of Police,
V-5, Police Station,
Thirumangalam
Anna Nagar,
Chennai-600 101

2.The Public Prosecutor,
High court,
Madras.